TRADITIONAL CONSTITUTION
OF THE
ALLAKAK'A TRIBE

Allakaket, Alaska

PREAMBLE

We, the Allakak'a people, assert our freedom as a sovereign people in a historic relationship with the United States of America, in creating this Tribal Constitution. We adopt this Constitution to exercise the Tribe's inherent sovereign rights and powers in promoting the well-being of and unity among this and succeeding generations, to affirm our faith in fundamental Native rights and traditions, and to promote our Tribe's social, cultural, economic and political progress. We adopt this Constitution On May 7, 1996 under the inherent sovereign authority of our Tribe. This Constitution shall supersede the previously adopted Allakak'a Constitution and Bylaws adopted on April 19, 1967.

ARTICLE 1 - NAME

The name of this organization shall be the Allakak'a Tribe.

ARTICLE 2 - TERRITORY

The territorial jurisdiction of the Allakak'a Tribe shall extend to all lands and waters constituting the Indian Country of the Allakak'a Tribe as defined by federal and tribal law. To the extent not inconsistent with federal law, such lands and waters shall include, but are not limited to all lands and waters owned by the Tribe, and, to all lands and waters customarily and traditionally governed by the Allakak'a people, including lands withdrawn for selection by Allakatna Inc. under the Alaska Native Claims Settlement Act (P.L. 92-20) 43 U.S.C. 1601 et seq. originating from the center of the Koyukuk River and including all those lands selected on the south side of the river, and all fee lands and allotments within the traditional lands of the Allakak'a, regardless of the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE 3 - MEMBERSHIP

Section 1. Base Membership Roll. The base membership of the Allakak'a Tribe shall consist of all Alaska Natives whose names appear on the base membership roll adopted by the Allakak'a Tribal Council at the passage of this Constitution, provided that the Council may correct the base membership roll within two years following the adoption of this Constitution.

Section 2. Descendants of Members. Lineal descendants of members on the base membership roll are automatically eligible to be members of the Allakak'a Tribe subject to the provisions of this Constitution and to ordinances enacted pursuant to this Constitution.

Section 3. Adoption of Members. The Tribal Council shall have the option to adopt Alaska Natives, who set up residence in Allakak'a but are not descendants of members listed on the base roll, according to the provisions of an enrollment ordinance.

Section 4. Membership and Enrollment Ordinances. The Tribal Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, maintenance of the membership roll, loss of membership, relinquishment of membership, and adoption of members.

ARTICLE 4 - GOVERNING BODY

Section 1. Name. The governing body of the Allakak'a Tribe shall be the Allakak'a Tribal Council, also referred to as the Council or Tribal Council in this Constitution. The Council shall represent the Tribe and shall exercise the powers of the Tribe cited in this Constitution.

Section 2. Composition. The Allakak'a Tribal Council shall consist of seven (7) members who shall be elected by a majority vote of the qualified voters casting their ballots in such an election. All seven (7) Council members shall be entitled to vote, except in cases of conflict of interest.

Section 3. Officers The Council shall include a First Chief, Second Chief, and a Secretary/Treasurer. The First and Second Chiefs shall be elected directly by the people. The Secretary/Treasurer shall be appointed by the Council.

Section 4. Qualifications for Tribal Council Office. Tribal members who are 18 years of age or older and are current residents in Allakaket, are eligible to hold a position on the Tribal Council.

Section 5. Quorum. Four (4) Tribal Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council, unless a higher number is otherwise specifically required by this Constitution or by tribal ordinance.

Section 6. Terms of Office. All Tribal Council members shall hold office for a term of two (2) years, provided that one year terms may be used to initiate staggering.

Section 7. Conflict of Interest. No Council member shall vote on any matter, including but not limited to employment contracts, project funding, project allocations and appointments to tribal committees, in which he or she has a personal interest. A personal interest includes involvement of his or her spouse or children. Council members present when such an issue is decided shall reveal such conflicts prior to any vote.

ARTICLE 5 - DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall assume their duties immediately upon being elected.

Section 2. First Chief. The First Chief shall preside over meetings of the Council and of the Tribe. The First Chief shall provide general supervision for the affairs of the Tribal Council. The First Chief will sign, with either the Second Chief or Secretary/Treasurer, all contracts, leases and other documents approved by a quorum of the Council. When the Council is not in session, he or she shall be the official representative of the Tribe.

Section 3. Second Chief. The Second Chief shall assist the First Chief when called upon to do so. In absence of the First Chief, the duties of the Second Chief shall be the same as those of the First Chief.

Section 4. Secretary/Treasurer. The Secretary/Treasurer shall preside at tribal meetings in the absence of the First and Second Chiefs. The Secretary/Treasurer shall take or delegate the taking of minutes of all meetings. The Secretary/Treasurer shall issue or delegate the duty of issuing notices of all meetings and elections. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all monies and keep accurate account of the receipts and disbursements, except when these duties are otherwise delegated by the Council. The Secretary/Treasurer shall give a financial report as requested by the Council. Upon vacating his or her office, the Secretary/Treasurer shall immediately turn over all the records and papers in his or her possession to his or her successor or to the Council.

ARTICLE 6 - MEETINGS

Section 1. Regular Meetings of the Tribal Council. Regular meetings of the Council shall be held: the time, place and date to be designated by the Council. Notice of meetings shall be posted prior to meetings in public places in Allakak'a. All regular meetings shall be open to the general tribal membership.

Section 2. Special Meetings. The Council or the Chief may call a special meeting upon giving at least twenty-four (24) hours notice to tribal members. Notice shall be posted in public places in the Village.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without notice only when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings.

A. Tribal membership meetings may be called by the First Chief or by a quorum of Tribal Council members.

B. Tribal membership meetings may also be held by assembling a quorum of 30% of the qualified tribal voters.

C. Notice for any Tribal membership meetings shall be posted in public places in Allakak'a prior to any such meetings.

ARTICLE 7 - REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any member of the Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offense involving dishonesty may be removed from office by the Tribal Council by at least five (5) Tribal Council members voting in favor by secret ballot, provided, that such member shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. No

member of the Tribal Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this Section shall be resolved by the Tribal Council and the decision of the Tribal Council shall be final.

Section 2. Recall. Any member of the Tribal Council may be recalled by the tribal voters through a petition and election process. A valid petition requesting such recall, signed by at least thirty percent (30%) of the qualified voters, shall be presented to the Tribal Council. The Tribal Council shall call a special election to consider the recall of the named Tribal Council member within thirty (30) days upon receiving the petition, in accordance with Article 8, Section 4. If the majority of the voters vote in favor of the recall, the official shall be removed. No official may be subjected to recall proceedings more than once in the course of his or her term. If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal membership meeting to conduct the recall election according to the provisions of Article 6, Section 5(B).

Section 3. Forfeiture. Any member of the Tribal Council who submits a written resignation, is convicted of a felony involving an offense of moral turpitude while in office, or is absent from three successive regular meetings of the Tribal Council without being excused by the Council shall automatically forfeit his or her office.

Section 4. Vacancies. Any vacancy, including officer positions, in the Tribal Council shall be filled by holding a special election to fill the position until the term expires.

ARTICLE 8 - ELECTIONS

Section 1. Voter Qualifications. Any tribal member of the Allakak'a Tribe, eighteen (18) years of age or older, who currently resides in Allakak'a shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret balloting. The outcome of an election shall be determined by a simple majority of the qualified voters casting their votes during the election unless otherwise specified by this Constitution.

Section 3. Tribal Council Elections. Elections for Tribal Council positions shall be held in October in Allakak'a. The Tribal Council shall set the date and shall give at least two (2) weeks notice of such elections. Notice shall be posted in public places in Allakak'a prior to such elections.

Section 4. Special Elections. The Council may, by resolution, call a special election for the purposes of deciding a referendum, initiative, or recall, upon giving at least two (2) weeks notice to the tribal members. Notice shall be posted in public places in Allakak'a.

Section 5. Election Committee. The Council shall appoint an election committee of at least two members to supervise, administer, and conduct all tribal elections. The election committee shall certify the election of tribal officials. No member of the election committee shall at the same time be a member of the Council or a candidate for a position on the Council.

Section 6. Election Ordinance. An election ordinance, consistent with this Constitution, may be adopted by the Council which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 9 - POWERS OF ALLAKAK'A TRIBAL COUNCIL

Section 1. General Powers. Except as specifically limited by this Constitution, the powers of the Tribe shall be exercised by the Council and shall include all the inherent

powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate federal law.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact ordinances to govern its internal procedures and organization and to further define the duties of tribal officers.

Section 3. Tribal Council Powers. In addition to all powers vested in the Tribe or the Tribal Council by existing law and this Constitution, the Tribe acting through the Council, shall have the following powers:

a. To consult, negotiate, contract or conclude agreements with and make recommendations to federal, state, local and tribal governments and private parties on activities which may affect the Allakak'a Tribe.

b. To promote and protect the peace, health, education and general welfare of the members of the Tribe, and to administer services that contribute to the social and economic development of the Tribe and its members.

c. To levy and collect taxes, fees and assessments for Tribal purposes.

d. To encourage, guard and foster traditional cultural practices of the Allakak'a people, including the arts, crafts, religion, language and customs of the Native people of Allakak'a.

e. To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Allakak'a Tribe.

f. Except as limited by Article 10 of this Constitution, to manage, sell, lease, exchange, acquire, or otherwise deal with tribal or other property.

g. To acquire property and accept gifts.

h. To administer tribal assets including funds and manage all economic affairs and enterprises of the Tribe.

i. To engage in tribal economic development enterprises for the benefit of tribal members.

j. To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate tribal courts or other judicial bodies.

k. To charter enterprises, corporations, and associations for the benefit of tribal members.

l. To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.

m. To regulate inheritance among members whether by intestacy or otherwise.

n. To administer any funds within the control of the Tribe.

o. To regulate child custody and other domestic relations among members.

p. To protect and preserve the wildlife and natural resources within the area under the jurisdiction of the Tribe or upon which its members rely for subsistence.

q. To regulate and control the use of natural resources within the area under the jurisdiction of the Tribe, or which otherwise affect the health, safety or economic well-being of the Tribe or its members.

r. To employ legal counsel, the choice of counsel, and fixing of fees to be subject to the approval of the Secretary of Interior or his authorized representative so long as such approval is required by federal law.

s. To join and/or charter housing authorities.

t. To protect members' rights in personal property.

u. To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the Tribe.

v. To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law.

w. To approve or disapprove the hiring of any employee in any field of work which directly or indirectly affects the Tribe or a tribal member.

Section 4. Omissions. Any rights and powers vested in the Allakak'a Tribe but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council unless expressly prohibited by this Constitution.

ARTICLE 10 - POWERS RESERVED TO MEMBERSHIP

Section 1. Tribal Lands. The following powers are specifically reserved to the qualified voters of the Allakak'a Tribe acting through a general tribal membership meeting or a properly called election:

(a) No lands or interests in lands owned by the Tribe may be sold, leased, encumbered or disposed of without the favorable vote of at least a majority of the qualified voters in an election where at least 75% of the qualified voters vote.

(b) Nothing in this Article shall prohibit the Tribal Council from establishing and administering a tribal land assignment program as established by ordinance.

ARTICLE 11 - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of the Tribe shall have the right to propose and repeal ordinances and resolutions not inconsistent with this Constitution, through a valid petition signed by at least thirty percent (30%) of the eligible voters. The petitions shall be submitted to the Tribal Council. The Council shall then call an election to be conducted by the election committee no later than sixty (60) days after receipt of the petition. If the Council fails to act on the petition, the ordinance or resolution may be brought before a tribal membership meeting. An affirmative vote by a majority of qualified voters at a tribal membership meeting where a quorum has been established, shall be required to adopt or repeal such ordinances or resolutions.

Section 2. Referendum. The Council, by an affirmative vote of at least four (4) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted by the election committee within sixty (60) days of such Council decision. An affirmative vote by a majority of the eligible voters at a tribal membership meeting where a quorum is established shall be required to determine the Tribe's position on the issue submitted to a vote, or, a poll with prior notification may be held.

Section 3. Initiative and Referendum Decisions. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE 12 - RIGHTS OF MEMBERS

Section 1. Access to Tribal Records. Tribal members shall have the right to review all tribal records, including financial records at any reasonable time in accordance with procedures established by the Tribal Council except in child welfare cases, tribal enrollment records, litigation, personnel and confidential issues.

Section 2. Open Tribal Council Meetings. Tribal members have the right to be present at all Council meetings except during executive session of the Council.

Section 3. Indian Civil Rights. The Tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the tribal government shall:

(1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the tribal government.

(2) Not allow unreasonable search and seizure or issue search warrants without probable cause.

(3) Not try anyone for the same offense twice.

(4) Not make any person testify against himself in a criminal matter.

(5) Not take private property for public use without paying the owner the fair market value.

(6) Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.

(7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal courts cannot impose a penalty greater than $5,000 or one (1) year in jail, or both for any one offense.

(8) Give all persons equal protection under tribal laws.

(9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not pass an ordinance and charge a person with a violation of that ordinance or change penalties, after an incident (Ex Post Facto).

(10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six persons.

ARTICLE 13 - SOVEREIGN IMMUNITY OF THE ALLAKAK'A TRIBE

Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Allakak'a Tribe, which may only be waived by express resolution of the Tribal Council, after receiving an affirmative vote of the majority of the qualified voters, and only to the extent specified in such resolution and permitted by this Constitution and federal law, provided, however, that the Tribal Council shall have the authority to waive the sovereign immunity of the Allakak'a Tribe solely for the purposes of satisfying the conditions or requirements of Federal or State grants or contracts. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, subject to the waiver, as well as specific to the court having jurisdiction and applicable law.

Waiver of sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgment, lien or attachment upon property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE 14 - AMENDMENTS

Section 1. Amendments by the Tribe. This Constitution may be amended by a majority vote of the qualified voters of the Allakak'a Tribe voting in an election called for that purpose, provided that at least thirty percent (30%) of those qualified to vote shall vote in such election.

ARTICLE 15 - SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE 16 - SAVINGS

Unless inconsistent with this Constitution, all tribal legislation enacted prior to adoption of this Constitution shall remain in effect.

ARTICLE 17 - ADOPTION

This Constitution shall be adopted by a majority vote of the qualified voters of the Allakak'a Tribe voting in an election called for that purpose in which at least thirty percent (30%) of those qualified to vote shall vote.

CERTIFICATE OF ELECTION RESULTS

The attached Traditional Constitution of the Allakak'a Tribe was submitted to the qualified voters of the Tribe at a tribal meeting where 6 out of 7 council members were present and over 30 tribal members attended on May 7, 1996, and was duly adopted by a unanimous vote with no voting against the adoption of this Constitution in an election in which at least thirty percent (30%) of the qualified tribal members entitled to vote, so voted.

Steven Bergman _____ First Chief

Christine M Vent _____ Second Chief

Harold David Sr. _____ Secretary/Treasurer

Caroline Bergman _____ Member

Beatrice Moses Sr. _____ Member

Elsie Bergman _____ Member

David David _____ Member